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November 24, 2021

BY ECF

Honorable Vernon S. Broderick
United States District Judge
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

APPLICATION GRANTED
SO ORDERED *[Signature]*
VERNON S. BRODERICK
U.S.D.J. 11/26/2021

The Court wishes the parties a happy holiday.

Re: Charles R. Mackenzie v. New York City Department of Education, et. al.,
Docket No. 21-CV-5711(VSB)

Dear Judge Broderick,

I am an Assistant Corporation Counsel in the office of Georgia M. Pestana, Corporation Counsel of the City of New York, and attorney for Defendants DOE and Greer Phillips in the above-referenced action. Defendants write to respectfully request that Defendants' deadline to submit a letter to the Court determining whether their motion to dismiss should be deemed moot may be adjourned for one week from November 25, 2021 to December 2, 2021. Plaintiff has consented to this request.

Defendants request this extension of time to investigate Plaintiff's allegation that Defendant Ketler Louissaint was served, timely, with the summons and complaint in this action. If Defendant Ketler Louissaint was in fact served, it may require the City to make a representation decision regarding Defendant Louissaint and to revise and refile their motion to dismiss. As the Department of Education is closed tomorrow and Friday due to the Thanksgiving Holiday, Defendants now make their request to the Court for an additional week to confirm whether service was proper, and, if necessary, conduct a 50-k representation interview with Defendant Louissaint and request leave to refile their motion to dismiss. This is Defendants' first request for an adjournment relating to this submission.

There are no other currently scheduled deadlines that would be affected by this request. Accordingly, Defendants respectfully request that their deadline to submit a letter to the court requesting leave to refile a new motion to dismiss in accordance with Federal Rule of Civil Procedure 15(a)(3) be adjourned to December 2, 2021.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

/s/ Corey B. Hirsch

Corey B. Hirsch

Assistant Corporation Counsel

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